

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4773

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

THOMAS LEE BURNS,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina,
at Charlotte. Robert J. Conrad, Jr., District Judge. (3:14-cr-00203-RJC-1)

Submitted: July 27, 2017

Decided: July 31, 2017

Before AGEE and FLOYD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Ross Hall Richardson, Joshua B. Carpenter, FEDERAL PUBLIC DEFENDER FOR THE
WESTERN DISTRICT OF NORTH CAROLINA, for Appellant. Amy Elizabeth Ray,
Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas Lee Burns appeals his conviction and the 34-month sentence imposed after he pled guilty without a plea agreement to being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g), 924(a)(2) (2012). Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), noting that Burns wished to challenge the enhancement to his base offense level, but conceding that Burns' release from prison renders moot any challenge to the imprisonment component of the criminal judgment. The Government has declined to file a response brief and Burns has not filed a pro se supplemental brief, despite receiving notice of his right to do so. Finding no reversible error, we affirm in part and dismiss in part.

We agree with counsel that we lack jurisdiction to review the imprisonment component of Burns' sentence, as his release from prison renders moot any challenge to the imposed term of imprisonment. As a result of Burns' release, "there is no wrong to remedy[.]" and this court "cannot grant any effectual relief whatever in favor of the appellant" as to the imprisonment component of his sentence.* *United States v. Hardy*, 545 F.3d 280, 285 (4th Cir. 2008) (internal quotation marks omitted).

In accordance with our obligations under *Anders*, we have reviewed the entire record in this case and have found no meritorious issues for appeal. Accordingly, we affirm in part and dismiss in part. This court requires that counsel inform Burns, in

* Although Burns remains on supervised release, we discern no error in the supervised release portion of the district court's judgment.

writing, of the right to petition the Supreme Court of the United States for further review. If Burns requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Burns. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED IN PART;
DISMISSED IN PART*